

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRENDA DANIELS,)	
)	
Plaintiff)	
)	Civil No.
vs.)	
)	
SUNRISE RESTAURANTS, LLC,)	
d/b/a DENNY'S,)	
)	
Serve:)	
Registered Agent)	
Business Filings Incorporated)	
600 S. Second Street, Suite 104)	
Springfield, IL 62704)	
)	
Defendant.)	JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff BRENDA DANIELS, by and through counsel, and for her Complaint against Defendant SUNRISE RESTAURANTS, LLC, d/b/a Denny's, states to this Court as follows:

PARTIES

1. Plaintiff BRENDA DANIELS is a United States citizen, female, who at all times relevant herein resided in Madison County, Illinois.
2. Defendant SUNRISE RESTAURANTS, LLC, d/b/a Denny's (hereinafter "Denny's" and/or "Defendant") at all times relevant to this actions, was a Foreign Limited Liability Company in good standing and is qualified and registered to transact business in the State of Illinois as a foreign corporation and transacts business at 27 Jct. Dr. W, Glen Carbon, Illinois 62034.

JURISDICTION AND VENUE

3. BRENDA DANIELS seeks to recover damages under an Act of Congress which provides for the protection of civil rights, namely Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. §§2000(a) *et seq*, as well as for damages under 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991. This Court has jurisdiction over these matter pursuant to 28 U.S.C. §1331 and §1343(a)(4).

4. Defendant SUNRISE RESTAURANTS, LLC, is located in this district. The claims giving rise to this Complaint occurred within this district. Pursuant to 28 U.S.C. §1391(b) and (c) venue in this Court is proper.

5. On or about October 17, 2019, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), Charge No.: 560-2020-00152, in which she alleged discrimination based on gender. A copy of the Charge of Discrimination is attached and marked as **Exhibit A**.

6. Plaintiff has exhausted her Federal administrative remedies with regard to Charge No.: 560-2020-00152 and received her Notice of Right to Sue from the EEOC dated February 14, 2020. A copy of the Notice of Right to Sue is attached and marked as **Exhibit B**.

FACTS

7. Plaintiff BRENDA DANIELS is a female cook for Defendant and has worked for Defendant in that capacity since July 2014.

8. Plaintiff BRENDA DANIELS for most of her employment earned only \$11 per hour.

9. Plaintiff BRENDA DANIELS for most of her employment was the only female cook.

10. Male cooks consistently earned between \$12 - \$15 per hour for the same or substantially similar services offered by Plaintiff BRENDA DANIELS.

11. In many cases, Plaintiff BRENDA DANIELS had more experience with the company, and sometimes even trained the male cooks who were hired into the company making more money.

12. The disparity in pay was because of Plaintiff BRENDA DANIELS's gender, female.

COUNT I

GENDER DISCRIMINATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991, 42 U.S.C. SECTION 2000e-5, *ET SEQ* BY SUNRISE RESTAURANTS, LLC

13. Plaintiff BRENDA DANIELS restates all previous paragraphs and incorporates them into this Count I as if set forth fully within.

14. Plaintiff BRENDA DANIELS' gender was a motivating factor in the discriminatory behavior described herein.

15. Defendant's outrageous and extreme behavior described herein was done intentionally or without regard to Plaintiff's rights under the law.

16. Defendant is liable for the behavior of its managers under respondeat superior.

17. Defendant knew or should have known of the discriminatory behavior but failed to rectify the illegal activity.

18. As a direct and proximate result of the foregoing, Plaintiff BRENDA DANIELS has suffered damages, including but not limited to emotional distress, lost wages, and humiliation.

WHEREFORE Plaintiff BRENDA DANIELS prays for a trial by jury and judgment against Defendant Sunrise Restaurants, LLC, for actual damages in a fair and reasonable amount, and punitive damages, together with the maximum rate of interest allowed by law, cost of suit, attorney's fees, and for all other relief deemed equitable and just.

COUNT II

VIOLATION OF THE EQUAL PAY ACT OF 1963, 29 U.S.C. CHAPTER 8 SECTION 206, *ET SEQ* BY SUNRISE RESTAURANTS, LLC

19. Plaintiff BRENDA DANIELS restates all previous paragraphs and incorporates them into this Count II as if set forth fully within.

20. Plaintiff BRENDA DANIELS' gender was a motivating factor in the discriminatory behavior described herein.

21. Plaintiff BRENDA DANIELS performed the same or substantially similar job as multiple other men, but was paid less.

22. The disparity in pay was not based on merit, seniority, or any other legal system.

23. Defendant's outrageous and extreme behavior described herein was done willfully, intentionally and without regard to Plaintiff's rights under the law.

24. Defendant is liable for the behavior of its managers under respondeat superior.

25. Defendant knew or should have known of the discriminatory behavior but failed to rectify the illegal activity.

26. As a direct and proximate result of the foregoing, Plaintiff BRENDA DANIELS has suffered damages, including but not limited to emotional distress, lost wages, and humiliation.

27. Defendant willfully violated Plaintiff BRENDA DANIELS's rights under the Equal Pay Act, and as a result, is liable for liquidated damages.

WHEREFORE Plaintiff BRENDA DANIELS prays for a trial by jury and judgment against Defendant Sunrise Restaurants, LLC, for actual damages in a fair and reasonable amount, liquidated damages, and punitive damages, together with the maximum rate of interest allowed by law, cost of suit, attorney's fees, and for all other relief deemed equitable and just.

JURY DEMAND

28. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully demands a trial by jury on all issues triable by a jury.

DATED: April 23, 2020

Respectfully Submitted,
/s/ Michelle K. Faron
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this instrument will be delivered to the Defendant's registered agent along with all necessary documents, including Notice of Lawsuit, Civil Cover Sheet, and Entry of Appearance.

/s/Michelle Faron